

CHAPTER 98

PATERNITY, SUPPORT OBLIGATION, AND CUSTODY OR VISITATION PROCEEDINGS

H.F. 253

AN ACT relating to proceedings and actions regarding paternity and the obligation for support.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 600B.37, Code 2017, is amended to read as follows:

600B.37 Contempt.

If ~~the father~~ a party fails to comply with or violates the terms or conditions of a ~~support~~ an order made pursuant to the provisions of [this chapter](#), the ~~father~~ party shall be held in contempt and punished by the court in the same manner and to the same extent as is provided by law for a contempt of such court in any other suit or proceeding cognizable by such court.

Sec. 2. NEW SECTION. **600B.37A Action for default or contempt — costs.**

If an action is brought on the grounds that a party to an order made pursuant to [this chapter](#) is in default or contempt of the order, and the court determines that the party is in default or contempt of the order, the costs of the proceeding, including reasonable attorney fees, may be taxed against that party.

Sec. 3. Section 600B.40, Code 2017, is amended to read as follows:

600B.40 Custody and visitation.

1. The mother of a child born out of wedlock whose paternity has not been acknowledged and who has not been adopted has sole custody of the child unless the court orders otherwise. If a judgment of paternity is entered, the father may petition for rights of visitation or custody in the same paternity action or in an equity proceeding separate from any action to establish paternity.

2. In determining the visitation or custody arrangements of a child born out of wedlock, if a judgment of paternity is entered and the mother of the child has not been awarded sole custody, [section 598.41](#) shall apply to the determination, as applicable, and the court shall consider the factors specified in [section 598.41, subsection 3](#), including but not limited to the factor related to a parent's history of domestic abuse.

3. In a proceeding under [this chapter](#) to determine custody or visitation or to modify a custody or visitation order, [section 598.15](#) shall apply to the parties.

Approved April 21, 2017